

PATENT

Atty Docket No.: 1000457-1

App. Ser. No.: 09/734,996

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REMARKS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks. Claims 1, 2, 8-10, 13-17, 19-22, 24-29, 33, and 36 have been amended. Support for the amendments may be found page 10, lines 11-20 of the originally filed specification. Therefore, claims 1-30 and 32-37 are currently pending, of which claims 1, 13, 16, and 29 are independent.

No new matter has been introduced by way of the claim amendments; entry thereof is therefore respectfully requested.

Claim 36 was objected to for allegedly having minor informalities.

Claims 1-11, 13-18, and 23-28 were rejected under U.S.C. §103(a) as allegedly anticipated by Flavin (6,005,603) ("Flavin") in view of Ullman et al (6,018,768) ("Ullman").

Claim 12 was rejected under U.S.C. §103(a) as allegedly being unpatentable over Flavin in view Ullman in further view of SMPTE 309M-1999 ("SMPTE").

Claims 19-22 were rejected under U.S.C. §103(a) as allegedly being unpatentable over Flavin in view Ullman in further view of Sequeira (2001/0000194) ("Sequeira").

Claims 29-37 were rejected under U.S.C. §103(a) as allegedly being unpatentable over Flavin in view Ullman in further view of Reynolds et al (2001/0037500) ("Reynolds").

Examiner Interview Conducted

The Applicant's representative wishes to thank Examiner Hoye for the courtesies extended during the interview conducted on June 29, 2007. During the interview, the amendment submitted herein was discussed. Examiner Hoye seemed to agree that the prior art of record failed to teach the features included in the amendments. However, Examiner

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Hoye reminded the Applicant's representative that a further search of the prior art would have to be conducted before a determination could be made concerning the allowability of the application.

Claim Objection

Claim 36 was objected to for allegedly having minor informalities. Claim 36 has been amended herein to include the word "to," as suggested in the Office Action. Therefore, claim 36 does not contain minor informalities and withdrawal of this rejection is respectfully requested.

Claim Rejection Under 35 U.S.C. §103

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

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Claims 1-11, 13-18, and 23-28 were rejected under U.S.C. §103(a) as allegedly anticipated by Flavin in view of Ullman. This rejection is respectfully traversed because neither Flavin nor Ullman, taken alone or in combination, teach or suggest the features of independent claims 1, 13, and 16.

Claim 1 has been amended herein to recite, *inter alia*, that the cue generator generates

"a private cue having a predefined structure, wherein the private cue is configured to be used by a stream processing application (SPA) of only specific affiliates to receive information concerning an event associated with the media content and, wherein the private cue is not interpreted by a third party other than the specific affiliates;

a cue handling mechanism for embedding the private cue into one of the plurality of media streams with the media content to provide precise time synchronization for the processing of the one of the plurality of media streams by the SPA; and

a network interface for transmitting the embedded private cue and the media content in the one of the plurality of media streams to the SPA of the specific affiliates."

Moreover, independent claims 13 and 16 have been amended herein to include similar features. Support for the amendments may be found on page 10, lines 11-20 of the originally filed specification. The prior art of record fails to teach or suggest at least the features recited above.

Flavin is drawn to the creation of public announcements 115, which can be read and interpreted by any segment announcement receiver 110. Similarly, Ullman is drawn to a system for embedding URLs into video programming. The URLs of Ullman are used in

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conjunction with the Internet and thus are public, because they can be used by any computer connected to the Internet.

Flavin and Ullman fail to teach or suggest any features, which could be considered equivalent to the claimed private cues, which can be interpreted only by specific affiliates. Therefore, Flavin and Ullman fail to teach or suggest at least the features recited above. Accordingly, withdrawal of this rejection and allowance of the claims is respectfully requested.

Claim 12

Claim 12 was rejected under U.S.C. §103(a) as allegedly being unpatentable over Flavin in view Ullman in further view of SMPTE. This rejection is respectfully traversed because neither Flavin, Ullman, nor SMPTE, taken alone or in combination, teach or suggest the features of independent claim 1, as set forth above. SMPTE fails to cure the deficiencies of Flavin and Ullman. Therefore, claim 12 is allowable at least by virtue of its dependence on allowable claim 1, for the reasons set forth above.

Accordingly, withdrawal of this rejection and allowance of the claims is respectfully requested.

Claims 19-22

Claims 19-22 were rejected under U.S.C. §103(a) as allegedly being unpatentable over Flavin in view Ullman in further view of Sequira. This rejection is respectfully traversed because neither Flavin, Ullman, nor Sequira, taken alone or in combination, teach or suggest the features of independent claim 16, as set forth above. Sequira fails to cure the

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deficiencies of Flavin and Ullman. Therefore, claims 19-22 are allowable at least by virtue of their dependence on allowable claim 16, for the reasons set forth above.

Accordingly, withdrawal of this rejection and allowance of the claims is respectfully requested.

Claims 29-37

Claims 29-37 were rejected under U.S.C. §103(a) as allegedly being unpatentable over Flavin in view Ullman in further view of Reynolds. This rejection is respectfully traversed because neither Flavin nor Ullman, taken alone or in combination, teach or suggest the features of independent claim 29.

Claim 29 has been amended herein to recite, *inter alia*, generating

"a private cue packet to represent the structural point in response to determining that the event is a structural point, wherein the private cue packet is configured to be used by a stream processing application (SPA) of only specific client receivers to receive information concerning the structural point;

embedding said private cue packet in said media stream with the media program; and

communicating said media stream and said private cue packet from said media server to at least one intermediary network node;

said at least one intermediary network node modifying, based at least in part on said private cue packet, said media stream to generate a modified media stream; and

said at least one intermediary network node communicating said modified media stream to at least one of the specific client receivers."

As set forth above, Flavin and Ullman fail to teach or suggest at least these features.

Reynolds is drawn to a method of inserting local meta data into a data stream. The local meta

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data of Reynolds is public because it can be read and interpreted by any receiver. Therefore, Reynolds fails to cure the deficiencies of Flavin and Ullman.

Accordingly, withdrawal of this rejection and allowance of the claims is respectfully requested.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: July 3, 2007

By


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